



An
Bord
Pleanála

Inspector's Report ABP-301529-18

Development	Construction of two storey dwelling house with associated site development works.
Location	Lake Road, Ballyvoloon, Cobh, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	17/5921
Applicant(s)	David & Patricia Hughes
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	David & Patricia Hughes
Observer(s)	None.
Date of Site Inspection	6 th September 2017
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.0686 ha, is located at Lake Road, Cobh, County Cork. The site forms part of the rear curtilage of No. 2 Almorah Villas, Spy Hill, Cobh, which is a protected structure. The site is above the level of Almorah Villas and has extensive views over the harbour.
- 1.2. The site is proposed to be accessed via Lake Road to the north west, where the existing boundary consists of a stone wall and garage access via existing out buildings which front onto Lake Road. Two structures currently occupy the appeal site, the largest of which is a garage which is accessed directly from Lake Road and dates from the mid 20th Century. A glazed greenhouse adjoins this garage to the south-eastern side at the lower garden level. The second structure is of timber construction with corrugated roof to the north-western side of the site.
- 1.3. The surrounding area comprises of residential properties that front onto Lake Road, many of which have been constructed in the rear gardens of original dwellings on Spy Hill. A site to the north of the subject appeal site further along Lake Road is currently under construction permission having been granted on foot of Reg. Ref. 17/5178 for construction of ground floor and lower floor extensions to an existing two-storey dwelling house, including the raising of the ground floor level, eaves and roof, alterations to existing elevations, the demolition of a shed, and all associated site works, copy of the plans are attached as appendix to this report.
- 1.4. There is an extant permission for a two storey contemporary idiom dwelling on the appeal site, graded planning permission on foot of Reg. Ref. 10/52011 & Reg. Ref. 15/5257.

2.0 Proposed Development

- 2.1. The proposal comprises permission for:
 - Construction of two storey split level dwelling house with associated site development works.
 - Proposed dwelling has a GFA of 259 sq. m and a ridge height of some 9.2m at its tallest point.

Note: The dwelling was revised by way of further information, GFA revised to 250 sq. m and the building height lowered to 8.055m with a continuous roof pitch.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. Subject to Further information being requested with respect to 1. Architectural quality and finish 2. Hard and soft landscaping and 3. Details of all proposed works to the boundary wall at lake road. Planning permission was refused for one number reason as follows:

‘The Planning Authority is not satisfied on the basis of the information / design proposal provided that the proposed development will not adversely affect the character of Almorah House, a protected structure and that the proposal would seriously injure the visual amenities of the surrounding area. Having regard to the sensitive location of the proposed development and the standard of design quality of the proposed development, it is considered that the proposed development would have a significant detrimental impact on the setting of the protected structure and on the character of the ACA. The proposed development contravenes objectives HE 20, 22, 23, 25, 27 and 28 of the Cobh Town Development Plan 2013. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planners Report sets out that the p.a. is not satisfied on the basis of the information / design proposal provided that the proposed development will not adversely affect the character of Almorah House, a protected structure and that the proposal would seriously injure the visual amenities of the surrounding area. Having regard to the sensitive location of the proposed development, and standard of design quality of the proposed development comparative to previously granted developments, it is considered that the proposed development would have a

significant detrimental impact on the setting of the protected structure and on the character of the ACA.

Area Engineer: Further information requested with respect to sewer, storm water and water main location and connections.

Architectural Conservation Officers report: It considers that in this instance the proposed design is not satisfactory.

3.2.2. External Reports

Irish Water (IW): No objection

3.3. Third Party Observations

None.

4.0 Planning History

Reg. Ref. 15/5257 (September 2015) Permission granted to erect a contemporary split-level dwelling with a GFA of 311.24 sq. m and a height of 7.1m, off street parking and associated site works fronting and accessed from Lake Road.

Reg. Ref. 15/4672 (June 2015) Extension of duration of permission granted for Reg. Ref. 10/52011

Reg. Ref. 10/52011 (July 2010) Permission granted to erect a dwelling house, off street parking and associated site works, within the site of Almorah, Spy Hill Cobh (protected structure). The proposed dwelling is fronting and accessed from Lake Road.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the Cobh Town Development Plan 2013.

The following policies and objectives are considered of relevance to the subject appeal site:

Objective HE 20 It is an objective of the Plan to ensure the protection of all structures (or parts of structures), contained in the Record of Protected Structures including the protection of the curtilage and attendant grounds of all structures.

Objective HE 21 It is an objective to protect important, non-structural elements of the built heritage. These elements include historic gardens/designed landscapes, stone walls, landscapes and demesnes, curtilage features and street furniture.

Objective HE 22 When considering development proposals for alterations and /or extensions to a protected structure or within the curtilage/attendant grounds of a protected structure, the planning authority shall ensure that there is no loss or damage to the elements which contribute to the special character of the structure or its curtilage/attendant grounds.

Objective HE 23 It is an objective to ensure development proposals are appropriate in terms of architectural design, treatment, character, scale and form to the existing protected structure. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultants.

Objective HE 25 It is an objective of the Development Plan to ensure a high quality architectural design of all new developments relating to or which may impact on buildings listed in the Record of Protected Structures

Objective HE 27 It is an Objective of the Plan to conserve and enhance the special character of the ACA's included in this Plan. The special character of the area includes its traditional building stock, material finishes, spaces, streetscape, street and plot layout, landscape, settings, public spaces and important aspects and views.

Objective HE 28 It is an Objective of the Plan to ensure that all new development located within or adjacent to designated ACA's will respect the established historical and architectural character of that area and will contribute positively to the existing built environment in terms of design, scale, setting and material specifications. This will be achieved by promoting a contemporary design of high architectural quality within ACAs. The special character of ACAs will be maintained through the protection of structures from demolition, non-sympathetic alterations and the securing of appropriate in fill developments.

5.2. Natural Heritage Designations

- 5.2.1. The closest European Sites are the Cork Harbour SPA (site code 004030) located c.2.8 Km to the west and the Great Island Chanel cSAC (site code 001058) located in c.3.7 Km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised within the appeal are summarised as follows:

- The size and complexity of the dwelling as designed and granted (on foot of Reg. Ref. 10/52011) would be very expensive to build.
- The sheer quantity of glazing to the south-eastern façade gives way to concerns over privacy and durability
- The location of the dwelling on site would result in considerable excavation and retaining walls.
- A smaller and more traditional style house is now proposed.
- The owners of the property No. 2 Almorah Villas are currently selling their property.
- Positive feedback was given during pre-planning consultation with the area planner in respect of revised design of the dwelling.
- The dwelling design was amended by way of further information in terms of projections, roof, building length, stone cladding, fenestration, stove chimney removed, stairwell glazing to be frameless.
- Shocked to receive a planning refusal following the redesign and initial pre-planning consultation.
- The footprint of the dwelling has been reduced considerably from that granted in 2015 (by 59.15 sq. m or 18.5%)
- The dwelling is relocated further south-wards to minimise the extent of excavation.

- The dwelling height has increased slightly due to pitch roof nature and to be in keeping with other dwellings in the area.
- The external appearance of the proposed dwelling is in keeping with adjoining existing development along Lake Road.
- The proposed dwelling would not detract from the character of the area or be visually unacceptable.
- The applicants are willing to make amendments to the design should An Bord Pleanála consider same necessary.

Appeal accompanied with a letter from the applicants David and Patricia Hughes. It is summarised as follows:

- Purchased the site with full planning permission in 2015
- In July 2015 submitted a planning application for revised design (Reg. Ref. 15/05257). The new design was for a contemporary structure with complete glass frontage was granted planning permission,
- Concerns and difficulties emerged with the design of the project, incl.:
 - Topography / layout
 - Cost is prohibitive
 - Glass design would pose problems from a sun point of view
- Conscious of the visual aspect of the proposed dwelling and would only consider building a dwelling that would complement and enhance the area.
- An existing two storey dwelling two houses away from the site is currently being completely renovated to a similar style as the subject appeal dwelling.

6.2. Planning Authority Response

6.2.1. Response received which includes:

- A copy of the Architectural Conservation Officers report pertaining to Reg Ref. 17/5931. It considers that in this instance the proposed design is not satisfactory.
- A copy of the Architectural Heritage Impact Assessment, dated 2010 in respect of Reg. Ref. 10/52011

- Plans and Drawings pertaining to Reg. Ref. 10/52011

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Architectural Design / Impact Upon ACA / Impact Upon Almorah house Protected Structure**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

7.2. **Principle of the Development on the Site**

7.2.1. The proposed development is located within a residential area. The site forms part of the curtilage of a Protected Structure, to the rear of Almorah Villas (RPS ID;10010018, Almorah Villas, Spy Hill, Cobh) and is located within the designated Architectural Conservation Area (ACA).

7.2.2. The applicants have previously received planning permission for a dwelling on the site under two separate grants of planning permission, Reg. Ref. 10/52011 (with the duration extended under Reg. Ref 15/4672 for another 5 years) and Reg. Ref. 15/5257 refer. See section 4.0 of this report above for detail.

7.2.3. Regard being had that there is an extant live permission on the site for a split level, two storey contemporary dwelling, the subject application for a dwelling which is effectively for a change of plan, with a notable decrease in area from 311.24 sq. m to 250 sq. m, is considered acceptable in principle at this location.

7.3. **Architectural Design / Impact Upon ACA / Impact Upon Almorah House Protected Structure**

7.3.1. As stated above, the proposed development is located within an ACA and within the curtilage of a Protected Structure (RPS ID;10010018, Almorah Villas, Spy Hill, Cobh). It is the opinion of the Architectural Conservation Officer that the architectural form and design of the dwellings proposed under planning Reg. Ref. 10/52011 and

Reg. Ref. 15/5257 are very similar. The previously permitted dwelling design is of contemporary expression, consisting of a stacked box effect with flat roof. Elevations were flat and punctuated with glazing systems. The material palette consisted primarily of cladding and render with other materials, to include stone and timber, applied in a very minor capacity. The design of the permitted dwelling to a very high standard.

- 7.3.2. It is considered by the p.a. that the dwelling proposed in the subject appeal case is a departure architecturally from the building type and design concept that was permitted under the two previous planning applications. That notwithstanding the changes made, by way of further information, the current design does not meet the architectural quality of design achieved in the previous planning applications which were granted permission.
- 7.3.3. The single reason for refusal, set out in detail in section 3.1.1 of this report considered that the proposed development contravenes objectives HE 20, 22, 23, 25, 27 and 28 of the Cobh Town Development Plan 2013 and that it would have a significant detrimental impact on the setting of the protected structure and on the character of the ACA having regard to the sensitive location of the proposed development and the standard of design quality of the proposed development.
- 7.3.4. The first party argue that the size and complexity of the dwelling as designed and granted (on foot of Reg. Ref. 10/52011) would be very expensive to build. The dwelling design was amended by way of further information in terms of projections, roof, building length, stone cladding, fenestration, stove chimney removed, stairwell glazing to be frameless. The footprint of the dwelling has been reduced considerably from that granted in 2015 (by 59.15 sq. m or 18.5%) and a more traditional style house is now proposed. The applicants submit that they are willing to make amendments to the design should An Bord Pleanála consider same necessary.
- 7.3.5. The GFA was increased from 120.5 sq. m under Reg. Ref. 10/52011 to 318.24 sq. m under Reg. Ref. 15/5257 and it is now proposed to be reduced to 250 sq. m under the current planning application.
- 7.3.6. The subject appeal dwelling has a height of 8.055 m the revised western elevation (to Lake Road) has omitted the pitched roof from the front projection in favour of a flat roof finish. There has been a reduction in the zinc clad parapet flat roof over the

front door and addition of two velux roof lights. The applicant was requested to omit the stone cladding from the proposal, however, stone cladding has remained on the southern part of this elevation. I consider that the stone cladding to the western elevation can be omitted by way of condition. I consider that the proposed roadside elevation Drawing No. 2436-D-011 which illustrates the outline of the existing building to be demolished and the outline of the proposed ridge line, new entrance piers with boundary wall and sliding gates to entrance is acceptable from a visual amenity perspective. Subject to stone cladding and glazed fenestration around the entrance being omitted.

- 7.3.7. Cognisance is had to the changes to roof height and profile, omission of flue and simplification of fenestration proposed by way of further information. However, the critical elevation on this site is the eastern elevation, given its context to Almorah House and how the proposal reads when viewing the site from the Harbour and from within the ACA.
- 7.3.8. Cognisance is had to objectives HE 20, 22, 23, 25, 27 and 28 of the Cobh Town Development Plan 2013, see section 5.1.1 of this report above.
- 7.3.9. Regard being had to the sensitive location of the proposed development and the standard of design quality I agree with the planning authority that the glazing proposed to the eastern elevation is confusing, unsightly and visually unacceptable. It emphasis of both vertical and horizontal panels with seams and divided panels does not work. I have considered dealing with the fenestration pattern by way of condition, however, given the significant issues in terms of split level design and architectural design of the dwelling, itself, I do not consider this a viable option.
- 7.3.10. The p.a. concluded that the issue of design (sole reason for refusal) cannot be overcome by way of condition, therefore, I do not consider it reasonable or justifiable to revert the matter back to the p.a. by way of grant of permission and a condition requiring agreement prior to commencement of development. The p.a. report clearly states: 'These issues cannot be resolved by way of condition given the context of the site.' I consider that the applicant should be given the opportunity to rectify the design issues, in particular to the eastern elevation by way of a subsequent application or should the Board be mindful by way of further information.

7.3.11. Given I share the concerns of the conservation officer and the planning authority I recommend that permission be refused in this instance on the basis that the design of the proposed development would affect the setting of Almorah House, a Protected Structure, and that the proposal would have a detrimental impact on the character of the ACA and would seriously injure the visual amenities of the surrounding area.

7.4. Environmental Impact Assessment (EIA)

7.4.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. Appropriate Assessment (AA)

7.5.1. The closest European Sites are the Cork Harbour SPA (site code 004030) located c.2.8 Km to the west and the Great Island Chanel cSAC (site code 001058) located in c.3.7 Km to the north.

7.5.2. The planning report on file concludes that appropriate assessment is not required.

7.5.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. No Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

8.1.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development, the site location within an Architectural Conservation Area and within the curtilage / attendant grounds of a Protected Structure Almorah Villas, Spy Hill, Cobh (RPS ID;10010018,) which is listed as a Protected Structure in the current Development Plan for the area, it is considered that the proposed development, by reason of its over complicated design, in particular, the inappropriate mix of horizontal and vertical glazing to its eastern elevation, would be out of character with its surroundings, would seriously detract from the architectural character and setting of Almorah House and would materially affect the character of the Architectural Conservation Area. The proposed development would, therefore, materially and adversely affect the character of the area, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

Fiona Fair
Planning Inspector
25/09/2018